

### **REMARKS**

Applicants would like to thank Examiner Quyen Phan Leung for her helpful and courteous discussion held with Applicants' representative on October 15, 2003. During the interview, the overall scope of the invention was discussed, along with a clear and concise explanation of the invention. Terms for a proposed amendment were discussed.

Claims 1, 3, 5-9, 11, 13-17, 19 and 21-29 are pending in the above-identified application. Claims 1, 3, 5-9, 11, 13-17, 19 and 21-24 were rejected. With this Amendment, claims 1, 6, 8, 9, 14, 16, 17, 22 and 24 were amended, claims 3, 7, 11, 15, 19, and 23 were canceled, and new claims 25-29 were added. Applicant has amended claims 1, 9, 11, 17, and 19 in order to clarify that the thickness of the film located between the active layer and the current non-injection region is less than 0.2  $\mu\text{m}$  but greater than zero. Applicants maintain that no new matter has been added. Accordingly, claims 1, 3, 5-9, 11, 13-17, 19 and 21-24 are at issue in the above-identified application.

### **Objection To Claims**

Claims 3, 11 and 19 were objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Amendments made to claims 1, 9, and 17 render this argument mute.

Examiner has stated that should claims 5, 13 and 21 be found allowable, claims 7, 15, and 23 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Applicants have corrected for this by canceling claims 7, 15 and 23.

**Claim Rejections - 35 USC § 112**

Claims 6, 8, 14, 16, 22 and 24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have made appropriate amendments to claims 6, 8, 14, 16, 22 and 24 and now believe that these claims are in condition for allowance.

**Claim Rejections - 35 USC § 102**

Claims 1, 3, 5-9, 11, 13-17, 19, 21-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Kume et al.* (U.S. Patent No. 5,923,690). *Kume et al.* describes a semiconductor laser device in which an n-type cladding layer 1714 is formed on a substrate 1712 and a p-type cladding layer 1516 is formed on the n-type cladding layer 1714. (See *Kume et al.*, column 18, lines 1-21; column 15, lines 18-31, and see Fig. 17.) *Kume et al.* also discloses that the p-type cladding layer 1516 has a striped shape ridge 1580 extending along a length of a resonator. (See *Kume et al.*, column 15, lines 45-47.) N-type burying layers 1517 are formed so as to laterally interpose the ridge 1580 there between. (See *Kume et al.*, column 15, lines 49-51.) A p-type cap layer 119 is formed on the buried layer 1517, the cladding layer 1516, and the ridge 1580, as shown in Fig. 17. (See *Kume et al.*, column 10, lines 59-63 and Fig. 17.) A contact layer 120 is placed on the cap layer 119 and then a p-side electrode 121 is placed on the contact layer 120, as shown in Fig. 17.

Amended claim 1, from which claims 3 and 5-8 depend from, and amended claim 9, from which claims 11, 13-16 depend from, and amended claim 17, from which claims 19, 21-24 depend from, all recite a semiconductor laser light emitting device that comprises a film located between an active layer and the current non-injection region of the stacked film made from a

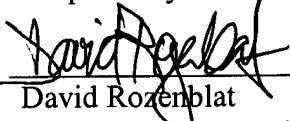
material expressed by a chemical formula  $\text{Al}_x\text{Ga}_{1-x}\text{N}$  ( $0 \leq x \leq 0.15$ ) and *has a thickness of less than 0.2  $\mu\text{m}$  but greater than zero*. Since *Kume et al.* fails to teach such a film, Applicants submit that claims 1, 3, 5-9, 11, 13-17, 19, 21-24 are neither anticipated by nor obvious over *Kume et al.* Withdrawal of these grounds of rejections are respectfully requested.

Additionally, new claims 25 and 29 recite a semiconductor laser light emitting device that comprises a p-side electrode *formed on and in contact with* a current non-injunction region. Since *Kume et al.* teaches forming a cap layer 119 on and in contact with an n-type buried layer 1517, wherein the cap layer 119 is sandwiched in between the p-side electrode 121 and the n-type buried layer 1517, *Kume et al.* actually teaches away from forming a p-side electrode on and in contact with a current non-injunction region. Accordingly, Applicants submit that claims 25 and 29 are patentable over *Kume et al.*

**CONCLUSION**

In view of the remarks set forth above, Applicant respectfully submits that the present invention is in condition for allowance. Early notification to such effect is earnestly solicited. Should the Examiner have any remaining issue, Applicant kindly requests that the Examiner contact the undersigned.

Dated: November 14, 2003

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